

### **REMARKS**

Claims 1, 18, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37-38, 41, 42, 46-47, and 69 are currently pending in the subject application and are presently under consideration. Claims 1 and 69 have been amended herein to further emphasize aspects of applicants' claimed invention, and claims 41-42 have been amended to cure minor informalities. Additionally, claims 39 and 45 have been cancelled without prejudice or disclaimer. A version of all pending claims is located at pages 2-7 of this Reply. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Information Disclosure Statement**

The Examiner contends that the Information Disclosure Statement filed February 15, 2006 fails to comply with the 37 CFR §1.98(a)(2) that requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. In particular, the Examiner states that while the Information Disclosure Statements filed March 5, 2002 and February 15, 2006 have been placed in the application file, the information referred to therein have not been considered as applicants' representative have inadvertently omitted to supply the listed non-patent literature. Accordingly, in order to comport with the strictures imposed by 37 CFR §1.98(a)(2) a Supplemental Information Disclosure Statement that includes the omitted non-patent literature is filed herewith.

#### **II. Rejection of Claim 45 Under 35 U.S.C. §101**

Claim 45 stands rejected under 35 U.S.C. §101 because the claimed invention is not supported by either a specific and substantial asserted utility or a well-established utility. Withdrawal of this rejection is requested for at least the following reasons. Claim 45 has been cancelled without prejudice or disclaimer. Accordingly, this rejection should be withdrawn.

### **III. Rejection of Claim 45 Under 35 U.S.C. §112**

Claim 45 stands rejected under 35 U.S.C. §112, first paragraph, as it is alleged that the subject claim is not supported by either a specific and substantial asserted utility or a well established utility. This rejection should be withdrawn for at least the following reasons. Claim 45 has been cancelled herein without prejudice or disclaimer.

Accordingly, this rejection is now moot and should be withdrawn.

### **IV. Rejection of Claims 1, 18, 19, 21, 23, 25, 27, 29, 31, 33, 37-39, 41, 42, 45-47 and 69 Under 35 U.S.C. §103(a)**

Claims 1, 18, 19, 21, 23, 25, 27, 29, 31, 33, 37-39, 41, 42, 45-47 and 69 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Delaney *et al.* (US 2002/0156879) in view of Haeri *et al.* (US 2003/0033421) and further in view of McFadden (US 6,671,695). Withdrawal of this rejection is requested for at least the following reasons. Delaney *et al.*, Haeri *et al.* and McFadden, either alone or in combination, do not teach or suggest each and every feature recited in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) ***must teach or suggest all the claim limitations***. See MPEP §706.02(j). The ***teaching or suggestion to make the claimed combination*** and the reasonable expectation of success ***must be found in the prior art and not based on the Applicant's disclosure***. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Applicants' claimed invention relates generally to managing communication groups and more particularly to creating and managing distinctions about people, their context and communication policies related to such people and contexts, to facilitate dynamically assigning people to communication categories and managing such categories

to facilitate maximizing utility of communications based on category membership of the contactor, the current and/or anticipated context (situation) of the contactee, and communication channel(s) available to the communicating parties. In particular, the claimed subject matter relates to systems and methods for dynamically assigning entities (e.g., people, processes, computer components) to communication categories and for dynamically managing categories to facilitate maximizing utility of communications based on membership in such communication categories. Thus, applicants' claimed invention relates to creating and managing distinctions about people, their context and their tasks. Context can be abstracted by examining, for example, a communication sender, the relationship of the sender to a user, the time of day at which the sender is attempting to communicate, the task(s) with which the user and/or sender are engaged, the age of project(s) to which the user and/or sender are engaged, the sender and/or user location and so on. Thus, multiple attributes concerning people, including their preferences, contexts, tasks and priorities are analyzed to facilitate building and managing collections of people and to further facilitate establishing and adapting communication policies for people in the collections. To this end, independent claims 1 and 69 recite similar claim features, namely: *an identifier that identifies one or more communication channels that facilitate maximizing the utility of the communication, the utility of the communication based on a cost and a benefit of the communication to a contactor and a contactee, the cost and the benefit of the communication is related to one or more preferences of the contactor and the contactee*. Delaney *et al.*, Haeri *et al.* and McFadden, either individually and/or in combination, do not teach or suggest these exemplary aspects of the invention as claimed.

Delaney *et al.* relates to technology for modifying group membership, including the implementation of self-subscription or self-unsubscription wherein a policy associated with a group, controls user subscription to and unsubscription from that group. The Examiner asserts that the cited document discloses at paragraph [0403] the salient features of the subject claims. Applicants' representative respectfully disagrees. The noted paragraph, rather than disclosing the fact that the utility of communications is based on a cost and a benefit of the communications to a contactor and a contactee, wherein the cost and the benefit of communications is related to one or more preferences

of the contactor and the contactee, discloses that dynamic certificate related information can be other than certificate status, such as certificate policies and certificate costs. The cited passage however is silent with regard to basing the utility of communications on a cost and benefit analysis of the communications from the perspective of a contactor and a contactee, such that the perspective of the contactor and the contactee is essentially based on one or more of the individual preferences of the contactor and the contactee. Nowhere in the primary document is disclosure made of this pertinent aspect as recited in the subject claims.

Moreover, the Examiner acknowledges that Delaney *et al.* fails to teach or suggest an identifier that identifies one or more communication channel that facilitates maximizing the utility of communications, and that membership of a group communicating parties is based at least in part on a reciprocated communication history between entities that comprise the group. In order to rectify the aforementioned deficiencies of Delaney *et al.* the Examiner offers Haeri *et al.* and McFadden. Haeri *et al.* relates generally to computer network protocols and equipment for adjusting packet-by-packet bandwidth according to the source and/or destination port numbers carried within each such packet. More specifically, Haeri *et al.* relates to software program methods for reducing delays in real-time lookup and avoids needing expensive content-addressable memory (CAM). McFadden generally relates to the generation and management of groups of individuals within a data processing environment, *e.g.*, for use in applications such as electronic messaging, content management, security access control and software distribution. However, like the primary document, the secondary and tertiary documents do not teach or suggest basing the utility of communications on a cost and benefit analysis of the communications from the perspective of a contactor and a contactee, such that the perspective of the contactor and the contactee is essentially based on one or more of the preferences of the contactor and the contactee. Accordingly, in view of the failure of the primary, secondary and tertiary documents to teach or suggest the salient features recited in independent claims 1 and 69, withdrawal of this rejection with respect to the subject independent claims (and associated dependent claims) is requested.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP954US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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